

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**DENNIS P. WALSH, Regional Director :
of the Fourth Region of the
NATIONAL LABOR RELATIONS BOARD, :
for and on behalf of the
NATIONAL LABOR RELATIONS BOARD :
Petitioner, :
v. : 3:19-CV-1079
: (JUDGE MARIANI)
MOUNTAIN VIEW CARE AND
REHABILITATION CENTER, LLC :
Respondent. :**

ORDER

**AND NOW, THIS 2ND DAY OF JULY, 2019, for the reasons set forth in this Court's
accompanying Memorandum Opinion, IT IS HEREBY ORDERED THAT:**

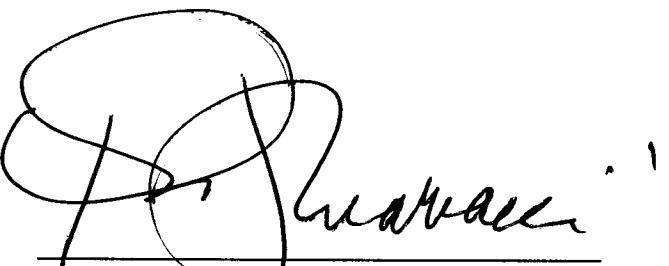
- 1. Pending the final disposition of the matters pending before the National Labor
Relations Board, Respondent Mountain View Care and Rehabilitation Center, LLC, its
officers, representatives, agents, servants, employees, attorneys, successors and
assigns, and all persons acting in concert or participation with it or with them, are
enjoined and restrained from:**
 - a. discharging, suspending, or otherwise discriminating against employees because
they support or assist the Union or engage in protected concerted activity;**
 - b. interrogating employees about their Union activities;**

- c. in any like or related manner, interfering with, restraining, or coercing its employees in the exercise of the rights guaranteed in Section 7 of the National Labor Relations Act.
- 2. Pending the final disposition of the matters involved pending before the National Labor Relations Board, Respondent, its officers, representatives, agents, servants, employees, attorneys, successors and assigns, and all persons acting in concert or participation with it or with them, shall take the following affirmative action:
 - a. Within **five (5) days**, on an interim basis, rescind the suspension issued to Yolanda Ramos and not rely on that suspension when issuing any future discipline.
 - b. Within **five (5) days**, on an interim basis, offer Yolanda Ramos immediate reinstatement to her previous position or, if that position no longer exists, to a substantially equivalent position in pay, hours, and other compensation, without prejudice to her seniority or any other rights and privileges previously enjoyed, displacing, if necessary, any employee(s) hired to replace her. In addition and after reinstatement as provided above, Yolanda Ramos shall have the right to apply for a dietary operations position with Sodexo. Irrespective of whether Yolanda Ramos is hired by Sodexo, her right to reinstatement as stated above shall be unaffected.

- c. Within **ten (10) days** of the Court's Order:
 - i. hold a mandatory employee meeting or meetings, on working time and at times when the Respondent customarily holds meetings, and scheduled to ensure the widest possible employee attendance, at which the District Court's Order will be read to employees by a responsible Respondent official in the presence of a Board agent or, at the Respondent's option, have a Board agent read the Order in the presence of a responsible Respondent official;
 - ii. announce the meeting(s) for the Order reading in the same manner it would customarily announce a meeting of employees;
 - iii. require that all service and maintenance employees at this facility attend the meeting(s); and
 - iv. have the prior approval of the Regional Director of the Fourth Region of the National Labor Relations Board of the time and date of the meeting or meetings for the reading of the Court's Order and the Regional Director's approval of the content and method of the announcement to employees of the reading of the Courts Order.
- d. Within **twenty (20) days** of the issuance of the District Court's Order, file with the District Court, and serve a copy upon Petitioner, a sworn affidavit from a responsible official of Respondent, setting forth with specificity the manner in

which Respondent has complied with the Court's Order including the location(s) of the posting required by the Order.

- e. This Order shall expire **six (6) months** from the date of its issuance; provided however, that Petitioner may, upon motion, request a thirty-day extension of this Order if it appears that the decision of the National Labor Relations Board's administrative law judge on the underlying unfair labor practice complaint in NLRB Cases 04-CA-235894 and 04-CA-238216 is imminent; provided further, that after the issuance of the decision of the administrative law judge, upon motion of Petitioner, this Order may be extended, pending the National Labor Relations Board's final decision, for an additional period not to exceed six (6) months from the date of the administrative law judge's decision; provided further, that Petitioner may, upon motion, request an additional thirty (30) day extension of this Order if it appears that the final decision of the National Labor Relations Board on the underlying unfair labor practice Complaint is imminent.



Robert D. Mariani
United States District Judge